

REMARKS

This Application has been carefully reviewed in light of the Office Action dated March 2, 2010 ("*Office Action*"). At the time of the *Office Action*, Claims 1-6, 8-18, and 21-23 were pending and rejected in the Application. Applicants have amended Claims 1, 11, and 13 and added new Claims 24-27. Applicants previously canceled Claims 7, 19, and 20. Applicants submit that no new matter is added by these amendments. As described below, Applicants believe all claims to be allowable over the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

Section 103 Rejections

The Examiner rejects Claims 1-6, 8-18, and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over "BEA Web Logic Portal Deployment Guide," Version 4.4, May 2002 ("*BEA*") in view of U.S. Patent No. 7,080,361 issued to Aigen ("*Aigen*") in view of U.S. Patent No. 6,871,345 issued to Crow et al. ("*Crow*").

Independent Claim 1 of the present Application, as currently presented, recites:

A method of automatically deploying program units to a cluster of networked servers, comprising:

assembling one or more program units for deploying to a cluster of one or more application servers;

retrieving type information related to the cluster of networked servers from a deployment server, the type information identifying a type of application server installed on one or more nodes to which to deploy the program units;

using a universal deployment tool to dynamically load an application server plugin to perform cluster deployment on the type of application server, wherein the application server plugin:

is dynamically loadable by the universal deployment tool upon receiving a user identification of the cluster of one or more application servers;

corresponds to at least one of the application servers in the cluster of one or more application servers; and

encapsulates deployment configurations associated with the one or more program units, the deployment configurations corresponding to the at least one of the application servers;

automatically, and without user input, using the dynamically loaded application server plugin to generate a script to use a specific utility of the application server for generation of deployment descriptors from the type information retrieved from the deployment server, the deployment descriptors suitable for the type of application server; and

deploying the one or more program units to the cluster of the one or more application servers using at least the deployment descriptor.

Applicants respectfully submit that the cited references do not disclose the combination of claim elements recited in Claim 1.

For example, the proposed *BEA-Aigen-Crow* combination does not disclose, teach, or suggest “using a universal deployment tool to dynamically load an application server plugin to perform cluster deployment on the type of application server, wherein the application server plugin: is dynamically loadable by the universal deployment tool upon receiving a user identification of the cluster of one or more application servers; corresponds to at least one of the application servers in the cluster of one or more application servers; and encapsulates deployment configurations associated with the one or more program units, the deployment configurations corresponding to the at least one of the application servers,” as recited in Claim 1. In the *Office Action*, the Examiner relies upon *Aigan* for disclosure of “automated, application server specific, deployment descriptor generation functionality” and upon *Crow* for disclosure of an application server plug in. (*Office Action*, pages 5-6). Applicants respectfully submit, however, that the proposed combination does not disclose Applicants’ recited claim elements.

Rather, *Aigan* merely discloses that a Bean Grinder is invoked to convert database files to Enterprise JAVA Beans. (*Aigen*, Column 3, lines 42-46; Column 2, lines 63-65). Specifically, *Aigen* discloses that Bean Grinder Frame 41 “gathers data from the user as to how the Bean Grinder is to function.” (*Aigen*, Column 3, lines 65-67). Thereafter, the “Bean Grinder communicates with a specified database and reads the meta-data thereof as shown at 61 and an EJB Bean File 62 creates JAVA files for each table” to be converted into the Java Beans. (*Aigen*, Column 4, lines 1-3). With regard to the generation of deployment descriptors, *Aigen* merely discloses that “a descriptor file 63 (DescriptorFile)

generates an XML deployment descriptor. (*Aigen*, Column 4, lines 6-14). Thus, *Aigen* is limited to a Bean Grinder for converting a database file into a EJB Bean file using generated XML deployment descriptors. There is no disclosure in *Aigen* of “dynamically load[ing] an application server plugin to perform cluster deployment on the type of application server, wherein the application server plugin: is dynamically loadable by the universal deployment tool upon receiving a user identification of the cluster of one or more application servers; corresponds to at least one of the application servers in the cluster of one or more application servers; and encapsulates deployment configurations associated with the one or more program units, the deployment configurations corresponding to the at least one of the application servers,” as recited in Claim 1.

Though *Crow* generally discloses a “plugin,” *Crow* does not cure the deficiencies of *BEA* and *Aigen*. Rather, *Crow* discloses only that:

As an alternate embodiment of the present invention, the server computing system 117 also includes a server plugin interface generator 126 that produces a server plugin interface 143a for server plugin 143 for extending an application at the server 117. When the server functionality of plugin 143 is required by a resident application at the server 117, the server interface engine 127 implements logic within the installation and management portions of the plugin manager agent 143 to enable extension of the application using the plugin 143 if it is determined through introspection of plugin 143 that the module 143 is compatible and/or properly interfaced.

(*Crow*, Column 12, lines 33-44). Thus, at most, *Crow* generally discloses that a plugin can be used to extend an application running on a server. *Crow* does not disclose, teach, or suggest an application server plugin that “is dynamically loadable by the universal deployment tool upon receiving a user identification of the cluster of one or more application servers; corresponds to at least one of the application servers in the cluster of one or more application servers; and encapsulates deployment configurations associated with the one or more program units, the deployment configurations corresponding to the at least one of the application servers,” as recited in Claim 1.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 1, together with Claims 2-10, and 17-19 that depend on Claim 1. For

analogous reasons, Applicants also request reconsideration and allowance of independent Claims 11 and 13, together with Claims 12 and 20 that depends on Claim 11 and Claims 14-16 that depend on Claim 13.

New Claims 24-27

New Claims 24-27 have been added and are fully supported by the original specification. No new matter has been added. New 24-27 are not obvious over the cited references, whether considered alone or in combination, at least because Claims 24-27 recite claim elements that further distinguish the art.

For example, independent Claim 27 recites “assembling one or more program units for deploying to a plurality of application servers, at least one of the plurality of application servers comprising an existing application server and at least one of the plurality of application servers comprising a new application server.” As another example, Claim 27 recites “using a universal deployment tool to dynamically load a first application server plugin to perform cluster deployment on the type of the existing application server, wherein the first application server plugin corresponds to the existing application server and encapsulates deployment configurations associated with the one or more program units and corresponding to the existing application server.” Claim 27 further requires “installing a second application server plug-in to perform cluster deployment on the type of the new application server, wherein the second application server plugin corresponds to the new application server and encapsulates deployment configurations associated with the one or more program units and corresponding to the new application server” and “using the universal deployment tool to dynamically load the second application server plugin to perform cluster deployment on the type of the new application server.” In the *Office Action*, the Examiner relies upon *Aigan* for disclosure of “automated, application server specific, deployment descriptor generation functionality” and upon *Crow* for disclosure of an application server plug in. (*Office Action*, pages 5-6). Applicants respectfully submit, however, that the proposed combination does not disclose Applicants’ recited claim elements.

Rather, and as discussed above, *Aigen* is limited to a Bean Grinder for converting a database file into a EJB Bean file using generated XML deployment descriptors. (*Aigen*, Column 3, lines 42-46; Column 2, lines 63-65; Column 4, lines 6-14). *Aigen* discloses neither installing a plugin for a new application server nor dynamically loading respective plugins for new and existing application servers. Though *Crow* generally discloses a "plugin," *Crow* only generally discloses that a plugin can be used to extend an application running on a server. (*Crow*, Column 12, lines 33-44). *Crow* does not disclose, teach, or suggest installing a new plugin for a new application server. Additionally, *Crow* does not disclose, teach, or suggest that a plugin "corresponds to the new application server and encapsulates deployment configurations associated with the one or more program units and corresponding to the new application server" and "using the universal deployment tool to dynamically load the second application server plugin to perform cluster deployment on the type of the new application server," as recited in Claim 27. Because the cited references do not disclose this combination of elements, Applicants respectfully submit that Claim 27 is allowable.

For at least these reasons, Applicants respectfully request consideration and allowance of new Claim 27. For analogous reasons, Applicants also submit that Claims 24-26 are also allowable.

No Waiver

Additionally, Applicants have merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

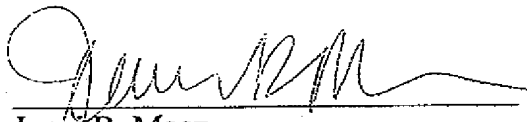
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jenni R. Moen, Attorney for Applicants, at the Examiner's convenience at (214) 415-4820.

The Commissioner is hereby authorized to charge \$156.00 for additional dependent claims to Deposit Account No. 02-0384 of Baker Botts L.L.P. No other fees are believed due; however, the Commissioner is hereby authorized to charge any additional fees or credits to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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